



UNITED NATIONS

THIRD CONFERENCE ON THE LAW OF THE SEA

Distr.
LIMITED

A/CONF.62/C.3/L.25

25 March 1975

ENGLISH

Original: RUSSIAN

THIRD COMMITTEE

Union of Soviet Socialist Republics

ADDITIONAL DRAFT ARTICLES ON PREVENTION OF POLLUTION OF THE MARINE ENVIRONMENT

The present draft articles do not deal with the points agreed upon during informal meetings of the Third Committee or those set out in document A/CONF.62/C.3/L.24.

Article 1

Obligation to prevent the spread of pollution outside the territorial sea

States shall take all necessary measures to ensure that pollution of the marine environment arising from activities under their jurisdiction or control does not spread to the marine environment outside their territorial sea and does not cause damage to other States and their environment.

Article 2

Prevention of pollution of the marine environment from ships within the territorial sea

1. Coastal States may, within the limits of their territorial sea, establish regulations on prevention of pollution of the marine environment from ships, in addition to the international regulations. Such regulations shall be established in conformity with international regulations and may not deal with the design, construction, equipment, operation or manning of a foreign ship or with the transit of foreign ships through straits referred to in articles ... of this Convention.
2. Without prejudice to the provisions of article 3, the coastal State shall, within the limits of its territorial sea, ensure compliance by all ships with regulations for the prevention of pollution of the marine environment, applicable in accordance with this Convention, and in particular with regulations provided for in paragraph 1 of this article.

State Dept. review completed

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Article 3Prohibition to discharge harmful substances from ships in straits

The flag State shall ensure that no ship registered in its territory or flying its flag discharges in straits referred to in articles ... of this Convention, any harmful or toxic substances or mixtures containing such substances which such a ship has on board or is transporting, save when it is necessary to do so for the purpose of saving human life at sea.

Article 4Measures to be taken in cases of serious danger of pollution

1. Coastal States may, beyond the limits of their territorial sea, take such measures as may be necessary to prevent, mitigate or eliminate serious imminent pollution of their coastline or related interests, including fisheries, caused as the result of an accident with a ship or of any other incident, including incidents arising from exploration or exploitation of the sea-bed resources, if such accident or incident may reasonably be expected to have major harmful consequences.

The coastal State, before taking any measures, shall consult other States whose interests have been affected by the accident or incident save in exceptional cases requiring immediate action.

2. Measures taken by the coastal State in accordance with paragraph 1 of this article shall be proportionate to the actual or threatened damage.

The coastal State shall be obliged to pay compensation for the damage caused by measures exceeding those reasonably necessary to achieve the purpose mentioned in paragraph 1.

3. States, acting in particular through competent international organizations, shall establish, as soon as possible and where they do not already exist, international regulations with respect to the enforcement of measures provided for in this article.